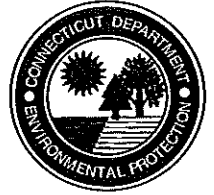




STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 12, 2010
Environment Committee

Testimony Submitted by Commissioner Amey Marrella
Department of Environmental Protection

Raised Bill No. S.B. 387 - An Act Concerning Solid and Hazardous Waste at Junkyards

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 387, AN ACT CONCERNING SOLID AND HAZARDOUS WASTE AT JUNKYARDS.

The Department of Environmental Protection (Department) does not support the bill in its current form. The Department supports the concept of a coordinated evaluation of the regulation of junkyards and motor vehicle recycler's yards. The Department has worked with the Department of Motor Vehicles (DMV) and the Office of the Attorney General to enforce noncompliance at junkyards, and we agree that an evaluation of whether junkyard regulations adequately protect public health and the environment is appropriate.

The auto recycling/junkyard industry plays an important role in the conservation of natural resources when care is taken for the proper recycling and reuse of vehicle parts, automotive fluids and scrap metal. Auto recyclers commonly encounter a broad range of environmental pollutants while processing vehicles and vehicle components. They process materials and debris contaminated by petroleum and chemical products, generate waste tires, batteries, a variety of vehicle fluids and other materials requiring special disposal methods. Additionally they accumulate and store materials that have the potential to contaminate soil, groundwater or surface waters. When these materials are not properly managed, pollutants can combine with stormwater run-off or be released directly into the environment and cause significant environmental damage, which can undermine much of the benefits gained from recycling and reuse.

Improper collection, storage and handling of fluids, auto parts, and wastes can cause significant pollution and extensive clean-up costs. For ten years, the Department has been working with auto recyclers to improve environmental practices. In 2004, the Department developed a comprehensive compliance assistance guide and conducted outreach sessions to help auto recyclers comply with environmental regulations and incorporate best management practices in their operations to prevent pollution.¹

¹ This guide can be found at:
http://www.ct.gov/dep/lib/dep/compliance_assistance/manuals_guidelines/autorecyclingguide.pdf

Auto recyclers are already subject to several environmental regulations (hazardous waste, solid waste, and air management; stormwater and process wastewater discharges; underground storage tanks). These regulations are mostly self implementing and do not necessarily require an operating permit from the Department.

The Department estimates there are approximately 115 junkyards that are permitted by the DMV. In addition, there are dozens of additional auto junkyards that operate illegally without a permit from DMV, and typically do not follow basic industry standards or best management practices. Many auto recyclers and junkyards pre-date local zoning laws, and pose quality of life issues for their local neighbors.

The Department has pursued numerous cases against noncompliant junkyards and auto recycling operations. Emerging challenges are: 1) enforcing noncompliance of judgments prohibiting continuation of activities/operations; 2) compelling remediation of a site; and 3) funding clean-up of these sites when the property owners demonstrate an unwillingness or inability to pay for clean-up. The Department has many case examples and profiles that it can provide to further demonstrate the difficulty that the Department has with compelling prompt compliance through enforcement.

The Department would be happy to work with the Committee to provide information it needs to more comprehensively evaluate junkyards. However, the Department is not in a position to be able to expand its obligations without additional resources. The Department would like to work with the Committee on ways it can provide the information sought and increase environmental protection at junkyards, without the need for additional resources. Accordingly, the Department does not support Raised Senate Bill No. 387 at this time.

Thank you for the opportunity to present the Department's views on this bill. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or robert.lafrance@ct.gov.